

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3350 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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AKHIL BHARTIYA PARIWAR KALYAN PARISHAD

Versus

SURAT MUNICIPAL CORPORATION

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Appearance:

MS ROOPAL R PATEL for Petitioner

NOTICE SERVED BY DS for Respondent No. 1

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CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 04/05/98

ORAL JUDGEMENT

The petitioner is a registered society functioning in the activities of construction and maintenance of pay and use toilets. The respondent-corporation invited tenders vide advertisement in the Newspaper dated 7-4-1998. The petitioner is registered in Delhi. The petitioner applied for the tender. The same was rejected on the ground that the

petitioner is not having local registration of the society in Gujarat State. The tender was invited by Surat Municipal Corporation.

2. The grievance of the petitioner is that the petitioner-society is registered in Delhi and is also having branches in various States including State of Gujarat and has experience of working in the field of construction and maintenance of toilet since last 12 years. In stead of this, the respondent has arbitrarily rejected the application of the petitioner for issuing tender to him.

3. Learned counsel for the respondent has filed a Copy of xerox letter (to be taken on record) sent by Regd.Post, inter-alia, to the petitioner, in which, it has been mentioned that the last date for issue of the tender is extended upto 6th May, 1998 and the date of receiving of filled in tender is extended upto 15th May, 1998. It was further mentioned that it is also decided to issue the tender copy to the institutes/contractors having registration with any State.

4. Learned counsel for the petitioner states that he has no definite information whether such letter has been received by his client or not. However, there is no reason to disbelieve the xerox copy of tender and for all purpose it serves the purpose of the petitioner that he is now entitled to submit duly filled in tender before the extended period 15th May, 1998. The date of issue of tender is also extended upto 06th May, 1998.

5. Learned counsel for the petitioner apprehends that respondent may issue tender to the petitioner, but, may not consider the same. However, this apprehension does not seem to be well-founded. The learned counsel for the respondent states that if tender can be issued to the petitioner, there is no reason why the tender will not be considered.

6. In view of the above discussion, this petition is finally disposed of with the direction to the respondent that in case the petitioner submits tender with in the extended period duly filled in, it shall consider the same in accordance with rules. No order as to costs.

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